

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRIAN D. PIERCE, )  
 )  
Plaintiff, )  
 )  
vs. ) Civil Action  
 ) No. 03-173E  
PENNSYLVANIA DEPARTMENT )  
OF CORRECTIONS, an )  
Agency of the Common- )  
wealth of Pennsylvania )  
SCI Cambridge Springs, )  
 )  
Defendant. )

DEPOSITION OF BRIAN D. PIERCE

REPRODUCTION OF THIS TRANSCRIPT IS PROHIBITED  
WITHOUT AUTHORIZATION FROM THE CERTIFYING  
AGENCY

CERTIFIED TRANSCRIPT  
NOT AN ORIGINAL

PLAINTIFF'S  
EXHIBIT

1

1 B. Pierce - by Mr. Eddy

2 Q. That was just done by you and the  
3 church member?

4 A. Correct. It was a charity roof.

5 Q. And some other people helped out?

6 A. Yes.

7 Q. Kind of like a barn raising kind of  
8 deal where everybody just got together to help  
9 out to do it?

10 A. Yes.

11 Q. What was your rate of pay at Reed?

12 A. \$17. \$17 an hour or \$18 an hour.  
13 Right in that pay range.

14 Q. Again, you have income records --

15 A. Yes.

16 Q. -- that you will supply for that?

17 A. Yes.

18 Q. I think we've established this, but  
19 your employment was terminated with DOC on  
20 May 10 of '02? Does that sound right to you?

21 A. Yes.

22 Q. Do you remember when you were  
23 transferred from SCI-Albion to Cambridge  
24 Springs?

25 A. The application went in in December

1 B. Pierce - by Mr. Eddy

2 and the transfer was effective in January.

3 Q. of?

4 A. December of 2000, and the transfer  
5 was effective January of 2001.

6 Q. 2001?

7 A. Correct.

8 Q. Refresh my memory, after May 10 of  
9 '02, when did you first start working for what  
10 was the first employer?

11 A. At Bayside.

12 Q. When did you first start there?

13 A. August of '02.

14 Q. So, basically, two or three months  
15 after termination you started there?

16 A. Yes.

17 Q. Did you submitted an employment  
18 application?

19 A. Yes.

20 Q. A resume?

21 A. I don't know if they required a  
22 resume or not, but I did the application.

23 Q. What is typically required when you  
24 apply for a job as an LPN?

25 A. Depends on where you work. The two

1 B. Pierce - by Mr. Eddy

2 Q. So you worked for Millcreek with the  
3 full expectation of leaving and going with the  
4 DOC if and when a position became available?

5 A. Yes.

6 Q. Obviously, one did become available?

7 A. Correct.

8 Q. Were you notified telephonically, by  
9 mail? What? Did you receive a letter? Do you  
10 remember?

11 A. I believe there was a letter that  
12 came in the mail.

13 Q. What, did it invite you to come in  
14 for an interview or something like that?

15 A. I don't know if the interview  
16 happened while I was first employed early in my  
17 career at Millcreek or if it was at the end of  
18 that. But there was an interview and I was  
19 notified through mail. I'm not sure of what  
20 date.

21 Q. Well, there wasn't a break between  
22 when you left Millcreek and started for DOC,  
23 was there?

24 A. No. No.

25 Q. You basically gave a two-week notice

1 B. Pierce - by Mr. Eddy  
2 and started working for the DOC?

3 A. Yes.

4 Q. That position was, when you started  
5 out with the DOC, was an LPN position?

6 A. Yes.

7 Q. Was that at SCI-Albion?

8 A. Yes.

9 Q. How long did you work as an LPN at  
10 SCI-Albion?

11 A. Approximately six and a half years.

12 Q. '94 through roughly 2000, right  
13 around December-ish of 2000?

14 A. Correct.

15 Q. How did your transfer to  
16 SCI-Cambridge Springs? What occasioned that?

17 A. In December -- I had applied to  
18 Cambridge Springs on three separate occasions  
19 prior to actually moving over. Each of those  
20 three requests were denied.

21 Q. So you wanted to be transferred to  
22 Cambridge Springs?

23 A. Yes.

24 Q. Okay.

25 A. First two times because it was close

1 B. Pierce - by Mr. Eddy  
2 to home. The next two times because things  
3 were brewing at Albion that I just want to get  
4 away from there.

5 Q. What was brewing at Albion?

6 A. All the issues that brought us here  
7 today. It started with, you know, I believe it  
8 was the summer of 2000 when Michael White filed  
9 a Complaint against the Department of  
10 Corrections and I was a favorable witness for  
11 him, and the harassment just started after  
12 that.

13 Q. Michael White is, what, related to  
14 you?

15 A. No. He was a -- he's a plaintiff?  
16 Is that the right word? He was, yes, a  
17 plaintiff against the Department of  
18 Corrections.

19 Q. He had sued -- was he a nurse?

20 A. Yes.

21 Q. He had sued the DOC while you were  
22 at Albion?

23 A. At that time, no. He just filed a  
24 Complaint against them over some improper  
25 proceedings.

1 B. Pierce - by Mr. Eddy

2 Q. Was it an internal complaint, do you  
3 know, or --

4 A. Yes.

5 MR. SANDERS: No.

6 MR. EDDY: It was a formal  
7 EEOC Complaint. Your lawyer is shaking his  
8 head yes.

9 MR. SANDERS: I was his  
10 lawyer.

11 MR. EDDY: It was a formal  
12 EEOC Complaint?

13 MR. SANDERS: Yes.

14 BY MR. EDDY:

15 Q. Go ahead, I'm sorry.

16 A. Because I was a witness for him in  
17 that. Within a couple of weeks, another  
18 incident arose with him where I was a direct  
19 witness to again, and I was the only one to  
20 come forward to defend him.

21 Q. This was in the year 2000, or prior  
22 to your going to Cambridge Springs?

23 A. Correct. It was the summer of 2000.

24 Q. Summer of 2000. Okay. How did the  
25 transfer then occur to Cambridge Springs?

1 B. Pierce - by Mr. Eddy

2 A. They knew of my interest. They  
3 being the Human Resources Department, Henry  
4 Powell and Maxine --

5 Q. At Albion?

6 A. Yes. Maxine Overton, my immediate  
7 supervisor at Albion. They knew, Henry Powell  
8 and Maxine Overton knew, that I wanted to go  
9 over there.

10 In December, Henry Powell told  
11 Maxine Overton, who subsequently told me, that  
12 there is a spot open at Cambridge Springs if I  
13 wanted it, and I said, yes.

14 Q. And you took it?

15 A. Yes, I took it.

16 Q. You wanted to go to Cambridge  
17 Springs, there's no issue of you being  
18 transferred unwillingly?

19 A. No.

20 Q. That's where you wanted to go?

21 A. Correct.

22 Q. Then you were at Cambridge Springs  
23 roughly from, what, January of '01 through  
24 May 10 of '02?

25 A. Correct.



1 B. Pierce - by Mr. Eddy  
2 elevate your stress level to that point?

3 A. I would say that's fair.

4 Q. Let's look at Exhibit E.

5 (Pierce Exhibit E was marked  
6 for identification.)

7 Q. Well, first of all, let me ask you  
8 this: Did you file an internal EEO  
9 Discrimination Complaint in or about October of  
10 2001?

11 MR. SANDERS: Internal or  
12 external?

13 MR. EDDY: Internal.

14 A. No, not internal. It was external.

15 Q. This wasn't with the DOC?

16 A. No.

17 Q. This was with the EEOC?

18 A. Yes.

19 Q. So let's take a look at Exhibit E  
20 here. Is this a copy of the Discrimination  
21 Complaint that you filed?

22 A. Yes.

23 Q. Could you read that first sentence  
24 beginning with S. Pietrzak.

25 A. "S. Pietrzak and I had numerous

1 B. Pierce - by Mr. Eddy  
2 confrontations in the last 9 months in regards  
3 to my wanting to change a few policies and  
4 procedures in order to help make the department  
5 more efficient."

6 Q. Okay. That's consistent, is it not,  
7 with what you reported to Dr. Mercatoris in  
8 Exhibit A when you said, "My gift is being able  
9 to problem solve and make things more  
10 efficient"?

11 A. No. What this is referring to is  
12 she was alleging and confronting me on a  
13 frequent basis saying that I was trying to do  
14 those things, and I was refuting those  
15 allegations on a regular basis.

16 Q. In other words, is it your position  
17 that you were not trying to change or implement  
18 changes in policies in order to help the  
19 department to be more efficient?

20 A. Not at that time, no.

21 Q. But it does say, "in regards to my  
22 wanting to change a few policies and procedures  
23 in order to help make the department more  
24 efficient"? That's what that says; right?

25 A. Correct, that's what that says.

1 B. Pierce - by Mr. Eddy

2 Q. That emotion that you have there,  
3 would you say that's also consistent with your  
4 description of your personality being a type  
5 AA, wanting to make things perfect?

6 A. I'm not sure I understand your  
7 question.

8 Q. The attitude that you would want to  
9 go in and make changes to make a place run more  
10 efficiently and smoothly, would you say that's  
11 consistent with your personality traits of  
12 being type AA who wants to make things perfect?

13 A. In general, yes.

14 Q. Now, it sounds to me like you had  
15 some issues with Ms. Pietrzak. Is that pretty  
16 accurate?

17 A. Yes.

18 Q. Who was she at that time?

19 A. She was my evening shift supervisor.

20 Q. Tell me what happened on 10/15, of  
21 '01.

22 A. Would you like me to read it?

23 Q. If you can recall. You can read it  
24 if you would like, but do you have any present  
25 recollection of what happened on 10/15/01?

1 B. Pierce - by Mr. Eddy

2 A. Best of my recollection, this had to  
3 deal with a disaster drill that they were  
4 doing.

5 Q. Okay.

6 A. And if I recall correctly, there  
7 was -- let me take a look for a second.

8 This was in regards to a suspicious  
9 white powder substance that had entered the  
10 Department of Corrections in the mailroom, the  
11 mailroom sitting right inside the front door of  
12 the main lobby of the prison.

13 Q. This was shortly after 9/11?

14 A. Yes.

15 Q. Back when there was the Anthrax  
16 scares?

17 A. Yes.

18 Q. Go ahead.

19 A. As it says in here that Yvonne  
20 McGuire and I entered the building about the  
21 same time.

22 Q. Who is Yvonne McGuire?

23 A. She was a fellow LPN. She was a day  
24 shift LPN, I was an evening shift.

25 Q. She wasn't a supervisor?

1 B. Pierce - by Mr. Eddy

2 A. No.

3 Q. Okay. Go ahead.

4 A. At the time we walked in, we were  
5 directed to an area of the building where we  
6 were out of the quote/unquote contaminated zone  
7 where we were dealing with the potential  
8 threat. We were stuck there for an inordinate  
9 length of time.

10 We left there. When we were finally  
11 cleared to walk through the area out in the  
12 main prison, there's a Sergeant DeCoursey  
13 listed here.

14 Q. I see that.

15 A. Yvonne McGuire and I asked her, you  
16 know, if she knew what had gone on, and she had  
17 said, yes, yada, yada. But we asked her in  
18 passing how this was going to affect the  
19 running of the medication line.

20 Q. Okay.

21 A. It was a transient comment, it was a  
22 valid question. Apparently, that got back to  
23 Sandy Pietrzak, the evening shift supervisor,  
24 and she -- everybody knew that she was just not  
25 playing with a full deck. She had told

1 B. Pierce - by Mr. Eddy  
2 everybody that she has had bipolar disorder,  
3 that she was on medication, so on and so forth.

4 So when she exploded in a public  
5 area in front of inmates and fellow staff  
6 members, my peer group, and accused me of  
7 jumping the chain of command, essentially not  
8 allowing her to make that decision and make  
9 those calls, everybody around us was just  
10 stunned at the way she was behaving.

11 Q. Now, all these things that you've  
12 just said I don't see anywhere in this  
13 statement of yours, necessarily.

14 A. Let me see.

15 Q. I mean, you do make statements here,  
16 "at which point Sandra Pietrzak began verbally  
17 attacking me and my character."

18 You essentially had an exchange of  
19 words with Ms. Pietrzak on that date, for lack  
20 of a better word? We can call it an  
21 altercation?

22 A. Yes.

23 Q. And what you were offended by is the  
24 notion that it happened out in the hallway as  
25 opposed to saying, hey, let's go in this office

1 B. Pierce - by Mr. Eddy  
2 and discuss this, because it had the  
3 potentially humiliating effect on your  
4 co-workers and peers and the inmates and so  
5 forth?

6 A. Yes.

7 Q. Do you remember what the outcome of  
8 this Complaint was?

9 A. At the time, Superintendent Brooks,  
10 Marilyn Brooks, who was essentially brand new,  
11 within a month of taking over superintendent at  
12 Cambridge, she never investigated this. She  
13 just wrote me a letter in November stating that  
14 the claim would go no further, that there were  
15 no bases for my allegations for hostile working  
16 environment and discrimination, and she dropped  
17 it.

18 Q. She dismissed it or closed it?

19 A. Correct.

20 Q. The doctor's excuse that was  
21 attached to Exhibit A, was it for this  
22 incident?

23 A. Yes, it was.

24 Q. And what happened? You left work  
25 because you were upset over this incident? Is

1 B. Pierce - by Mr. Eddy

2 that --

3 A. Yes.

4 Q. You needed to have a doctor's excuse  
5 to do that?

6 A. That's what they required.

7 Q. Pietrzak told you that?

8 A. No. Actually, Nancy Giroux.

9 Q. Nancy Giroux told you that?

10 A. Correct.

11 Q. And you left and contacted  
12 Dr. Martin, and he wrote you that --

13 A. Yes.

14 Q. -- excuse that's attached to  
15 Exhibit A?

16 A. Yes.

17 Q. Let's look at Exhibit F.

18 (Pierce Exhibit F was marked  
19 for identification.)

20 Q. That's a letter to you dated  
21 November 15 of 2001?

22 A. Yes.

23 Q. That's from Marilyn Brooks?

24 A. Yes.

25 Q. And this is the response to your



1 B. Pierce - by Mr. Eddy

2 Q. All right. Was there an incident  
3 that occurred at SCI-Albion on or about  
4 September 24 of 2000 prior to you coming to  
5 Cambridge Springs?

6 A. Yes.

7 Q. Let's take a look at Exhibit G.

8 (Pierce Exhibit G was marked  
9 for identification.)

10 Q. That's a letter dated March 19 of  
11 2001?

12 A. Yes.

13 Q. Again, addressed to you?

14 A. Yes.

15 Q. That's from William J. Wolfe for  
16 Jeffrey A. Beard?

17 A. Yes.

18 Q. He was the superintendent at where?  
19 Cambridge Springs or Albion at the time?

20 A. Cambridge Springs at the time.

21 Q. This letter advises you of a one-day  
22 suspension?

23 A. Correct.

24 Q. It was effective on March 23 of  
25 2001?

1 B. Pierce - by Mr. Eddy

2 A. Yes.

3 Q. This incident, it involved a count  
4 discrepancy with a narcotic known as Vicodin?

5 A. Correct.

6 Q. Did you serve that one-day  
7 suspension?

8 A. Yes, I did.

9 Q. Did you appeal this?

10 A. No, I did not. I was advised not to  
11 by my union representative.

12 Q. How about the last one that we  
13 talked about in '95, was that one appealed?

14 A. No.

15 Q. Do you remember?

16 A. No.

17 Q. Take a look at Exhibit H.

18 (Pierce Exhibit H was marked  
19 for identification.)

20 Q. This is a memorandum dated  
21 November 28 of 2001; do you see that?

22 A. Yes.

23 Q. It's from Nancy Giroux --

24 A. Giroux.

25 Q. Have you ever seen this before?

1 B. Pierce - by Mr. Eddy

2 A. Yes.

3 Q. It refers to an incident that  
4 occurred on or about August 28 of 2001?

5 A. November 28. Yes, you are right,  
6 I'm sorry. I was reading the date in the  
7 corner again. Yes.

8 Q. That's concerning prepouring  
9 medications for the RHU?

10 A. Yes.

11 Q. And RHU, for the record -- you know  
12 what that stands for. Do you recall meeting  
13 with Ms. Giroux?

14 A. Giroux?

15 Q. Yes.

16 A. Yes.

17 Q. And that was on August 28 of 2001  
18 when you met with her? At least that's the  
19 first sentence says, "meet with Mr. Pierce at  
20 1400 on 8/28/01."

21 A. Yes.

22 Q. "Regarding delivering medication up  
23 to the RHU prepoured into cups over the  
24 weekend"?

25 A. Yes.

1 B. Pierce - by Mr. Eddy

2 Q. This is the same type of thing that  
3 we referred to in the prior exhibit where the  
4 notation was made that you hadn't been  
5 instructed not to do this anymore?

6 A. No.

7 Q. No? How is it different?

8 A. This was a completely baseless  
9 allegation against me. This is retaliatory  
10 against me because in the previous month, I had  
11 written up two female nurses for making errors,  
12 so on and so forth.

13 Those complaints were never  
14 investigated, no discipline was handed down,  
15 and this was utterly ridiculous.

16 Q. Are you saying that you did this but  
17 other people did it as well, or are you saying  
18 you didn't do it at all and other people did  
19 it?

20 A. I'm saying I didn't do that at all,  
21 and that was my statement to her.

22 Q. So are you saying that Ms. Giroux is  
23 lying in this memorandum? Do you agree that  
24 you met regarding --

25 MR. SANDERS: Let's get an

1 B. Pierce - by Mr. Eddy

2 answer, Tom.

3 A. Yes.

4 Q. The whole letter is a complete  
5 fabrication?

6 A. Not the complete letter because I  
7 had spoken to her in regards -- if you read  
8 down further through there, that --

9 Q. How about --

10 MR. SANDERS: Keep going. Let  
11 him go, Tom.

12 A. She had taken my statement of what I  
13 had seen other nurses do, the female nurses  
14 that I had written up for other allegations,  
15 and inserted me into that. I did discuss with  
16 her the practices at Albion because in the six  
17 and a half years that I worked there, that's  
18 the basis, the knowledge base that I had to  
19 work with as far as how department did the  
20 runs.

21 Q. You are referring to that second  
22 paragraph where it says, "He stated that he  
23 only had one or two inmates that were requiring  
24 medication and that at Albion it is an  
25 acceptable practice to prepare the medication

1 B. Pierce - by Mr. Eddy  
2 prior to going to the RHU"?

3 A. Correct.

4 Q. "And he also stated that at Albion,  
5 this issue had been resolved with management  
6 pharmacy and the union, as long as the person  
7 preparing the medication did not allow the  
8 medication out of their sight once they  
9 prepared it and it remained in their sight  
10 until dispensed, he stated it was determined  
11 that that was not prepouring"?

12 A. Correct.

13 Q. Do you remember having that  
14 conversation with Ms. Giroux?

15 A. Yes.

16 Q. And those statements in there, you  
17 remember making those statements?

18 A. Yes. With the exception of that it  
19 says that I crushed the medications in the med  
20 room and transported them to the RHU.

21 Q. So you deny that you stated that you  
22 crushed the meds in the med room and  
23 transported them to the RHU in the appropriate  
24 bag?

25 A. Right.

1 B. Pierce - by Mr. Eddy

2 Q. So I guess you would deny the  
3 statement above that says, "the medications  
4 were psych meds that he had actually crushed  
5 prior to his trip to the RHU"?

6 A. Correct.

7 Q. Are you saying you didn't do that?

8 A. No, I didn't do that. We were  
9 discussing other nurses at that time, and I'm  
10 not sure if she -- because she was transcribing  
11 generally as we were speaking and then typed  
12 this up a few days later off of her notes.  
13 There is no other person in the room, you know,  
14 to transcribe for both of us, so to speak.

15 Q. Let me see if I get this right. You  
16 are saying that you met with Ms. Giroux?

17 A. Giroux.

18 Q. About delivering medication to the  
19 RHU by prepouring, but that that meeting was a  
20 result of your having turned in a couple of  
21 nurses that you observed engaging in that  
22 practice?

23 A. No.

24 Q. And the meeting was regarding your  
25 complaints about other nurses?

1 B. Pierce - by Mr. Eddy

2 A. Now you are actually combining the  
3 two things that we were talking about, which is  
4 what she did here.

5 we had been talking about other  
6 nurses doing similar acts. It had been alleged  
7 that I had done those things but it had not  
8 been proven because there are no statements, no  
9 witnesses that I actually did these things.

10 This was retaliation against me for  
11 the four write-ups that I gave to other female  
12 nurses about doing similar things and other  
13 inappropriate things in the department. This  
14 came back, somebody alleged that I did these  
15 things. I didn't do these.

16 Q. who would have alleged, do you know?

17 A. She never told me who my -- who the  
18 people were.

19 Q. so you are saying that you would  
20 have told her about other nurses doing this or  
21 things similar to this?

22 A. Yes.

23 Q. This prepouring. As a result of  
24 that, somebody said you do it and that you had  
25 a meeting concerning your doing it?



1 B. Pierce - by Mr. Eddy  
2 Exhibit J. Are we doing all right here on  
3 time, Neal?

4 MR. SANDERS: Yes.

5 BY MR. EDDY:

6 Q. Let's look at Exhibit J now. That  
7 is to you from Nancy Giroux?

8 A. Yes.

9 Q. Dated November 20, 2001?

10 A. Yes.

11 Q. Do you recognize this?

12 A. Yes, I do.

13 Q. Did it concern an incident on  
14 10/15/01 with Sandy Pietrzak?

15 A. Yes.

16 Q. Is what how you pronounce her name,  
17 by the way?

18 A. Pietrzak, yes.

19 Q. Does this concern the altercation  
20 that we discussed in the prior exhibit with  
21 Ms. Pietrzak?

22 A. Yes.

23 Q. Your EEOC Complaint?

24 A. Yes.

25 Q. Which I think was what exhibit?

1 B. Pierce - by Mr. Eddy

2 Exhibit E.

3 This letter constitutes a written  
4 reprimand for that incident?

5 A. Yes.

6 Q. Is that all you received for that?  
7 You weren't suspended or anything like that for  
8 that incident?

9 A. Correct. But this came five days  
10 after I had filed or I had received the  
11 rejection Complaint letter from Superintendent  
12 Brooks, right.

13 Q. And then this followed?

14 A. Correct. Which, you know, this was  
15 retaliatory -- the written reprimand was in  
16 response to the Complaint that Superintendent  
17 Brooks dismissed. They had to do something.

18 Q. I understand that you claim that  
19 Ms. Pietrzak probably engaged in like or  
20 similar conduct with you, but do you disagree  
21 that you pointed your finger at her and spoke  
22 in a loud tone?

23 A. I thoroughly disagree with that.

24 Q. What did you do?

25 A. Mostly was backing up as she

1                   B. Pierce - by Mr. Eddy  
2       advanced on me and was hollering at me through  
3       the entire ordeal. And the witnesses of, you  
4       know, several staff members and inmates, I  
5       didn't quite know what to take from that.

6                   By the time she had me backed up  
7       against the opposite wall, you know, I  
8       started -- "hey."

9                   Q.     Is it your position that you never  
10      even got loud?

11                  A.     I may have gotten loud, but it was  
12      to -- it would have been only to --

13                  Q.     I understand that your position is  
14      that she did like or similar things.

15                  A.     Right.

16                  Q.     But I'm just asking you whether you  
17      disagree that it turned into a loud argument  
18      with finger pointing and so forth.

19                  A.     No. Most of the loudness was from  
20      her to me. The only time that I got loud with  
21      her was trying to interrupt her tirades so that  
22      I could get a word in edgewise trying to defend  
23      myself --

24                  Q.     And explain the situation?

25                  A.     -- in front of all of my peers.

1 B. Pierce - by Mr. Eddy

2 Now, I have inmates out there watching this  
3 ordeal and that's completely -- that violates  
4 half the Code of Ethics in the department.

5 Q. Did you feel that your integrity or  
6 character was being attacked?

7 A. My authority with the inmates was  
8 definitely being undermined by her comments and  
9 everything to me. Inside of my peer group, the  
10 people that were there around me, I'm being,  
11 you know, yelled at by a supervisor in a public  
12 arena.

13 Q. You felt that was humiliating?

14 A. I would say that was very  
15 humiliating.

16 (Pierce Exhibit K was marked  
17 for identification.)

18 Q. Let's move into 2002. Was there an  
19 incident which occurred on or about March 9 or  
20 10 of 2002? Do you recall?

21 A. Actually, is it in this document?

22 Q. Yes. Exhibit K is actually a  
23 compilation of several documents that we will  
24 get into here, but if you want to take a look  
25 at this first page there, it may refresh your

1 B. Pierce - by Mr. Eddy  
2 memory on the dates. It had to do with a  
3 medication line and running it by the book and  
4 so forth.

5 Does that kind of refresh your  
6 memory?

7 A. Yes, it does.

8 Q. Do you recall that incident  
9 occurring on or about March 9 or 10 of 2002?

10 A. Yes.

11 Q. Was there another incident on  
12 March 20?

13 A. That's in here. I'm not sure what  
14 it was about. I'm sure we will get to that.

15 Q. Yes. Do you know whether or not  
16 these incidences were investigated by a  
17 Lieutenant Berk Bossard? Do you know  
18 Lieutenant Bossard?

19 A. I do.

20 Q. You can see there, Exhibit K, that  
21 appears to be an investigation that was  
22 performed by Lieutenant Bossard concerning the  
23 March 9 and 10 and March 20 incidences?

24 A. Yes.

25 Q. In fact, you were interviewed by

1 B. Pierce - by Mr. Eddy

2 Lieutenant Bossard, were you not, in connection  
3 with this?

4 A. Yes, I was.

5 Q. That was on 3/26 of '02? If you  
6 flip to the second page, there purports to be a  
7 series of questions and answers that were asked  
8 by the lieutenant and your responses?

9 A. I'm sorry, I was reading.

10 Q. I'm sorry.

11 A. I didn't hear your question.

12 Q. Under the notation there of  
13 3/26/02 --

14 A. Uh-huh.

15 Q. -- following that is a list of  
16 questions and answers. Questions that were  
17 asked to you by Lieutenant Bossard and your  
18 responses?

19 A. Yes.

20 Q. Your union representative was there  
21 with you at the time; isn't that right?

22 A. Yes.

23 Q. Who was that?

24 A. At this time, I do not recall.

25 Q. I don't know that it was indicated

1 B. Pierce - by Mr. Eddy  
2 in here.

3 A. No.

4 MR. SANDERS: Just for the  
5 record, is counsel suggesting that this is the  
6 entire transcript or is this excerpts from the  
7 transcript? In other words, is counsel  
8 representing in this transcript or in this  
9 exhibit that the 3/26/02 questions that are  
10 attached here is the end of the questions that  
11 were asked of Mr. Pierce by Mr. Bossard or is  
12 this a portion?

13 MR. EDDY: Is this an  
14 exhaustive list of the questions; is that what  
15 you are asking me?

16 MR. SANDERS: Is this the  
17 entire exchange?

18 MR. EDDY: I don't know. To  
19 the extent there may be -- I'm not aware of any  
20 others. To the extent there are, I guess we  
21 could ascertain that and I would certainly make  
22 them a part of --

23 MR. SANDERS: I think you will  
24 agree that these are not numbered.

25 MR. EDDY: No, they are not

1 B. Pierce - by Mr. Eddy  
2 numbered. That's correct, they are not  
3 numbered.

4 MR. SANDERS: These pages  
5 aren't numbered.

6 BY MR. EDDY:

7 Q. But it also refers to a witness  
8 statement is attachment six and seven, which I  
9 assume he received from you and must have  
10 formulated his questions based on that written  
11 witness statement. Does that sound right to  
12 you?

13 A. No. Actually, I believe he had me  
14 write the witness statement after the  
15 question-and-answer period.

16 Q. Okay. All right.

17 A. And would have written this up as a  
18 result after all of that.

19 Q. Do you recall being interviewed on  
20 the 26th? Do you have any reason to believe  
21 that these questions and answers aren't  
22 accurate? You can go ahead and read them, if  
23 you want.

24 A. Okay.

25 Q. Any reason to doubt any of those



1 B. Pierce - by Mr. Eddy

2 statements?

3 A. A lot of missing information and a  
4 lot of questions in between that aren't there  
5 and a lot of information --

6 Q. But what is there --

7 A. I recall some of that, yes.

8 Q. Those answers and those questions?

9 A. I want to say that the answers that  
10 I gave here, what is listed here, are partial,  
11 that they are not complete explanations.

12 Q. You mean, for example, if the  
13 question there at the bottom says, "Did you  
14 purposely run the medication line slow to show  
15 Sergeant Sittig? Answer: No. Two days in a  
16 row Sergeant Sittig questioned my procedures on  
17 closing so quickly so I decided to run it by  
18 the book," that you had additional statements  
19 in connection with that question that aren't  
20 reproduced or are you saying that there's other  
21 questions that were asked that had a bearing on  
22 that question that aren't included?

23 A. Both. And just going back up to the  
24 second question, it says, "On March 10, 2002,  
25 did you have a conversation with Officer

1                   B. Pierce - by Mr. Eddy  
2       Phillips concerning running medication line 'by  
3       the book' and calling one unit at a time?", the  
4       only portion of my answer there is the word  
5       yes. What is left out there is the additional  
6       information that I provided him that Officer  
7       Phillips was the one who suggested a "by the  
8       book" running of the med line. I asked, "What  
9       does that mean?" And he said, "By DOC policy,  
10      the inmates are only supposed to be called down  
11      one unit at a time so that there is no  
12      opportunity for them to interact."

13                   If one inmate is angry with another  
14      inmate from a different housing unit or if they  
15      are passing stuff along or dating, you know,  
16      for lack of a better term, because that went on  
17      in the institution, and also, too, it provided  
18      a more controlled environment by policy so that  
19      there wasn't an opportunity for an excessive  
20      amount of inmates to be in one location in  
21      order to provide an environment for them maybe  
22      to start a riot or overtake the officer,  
23      overwhelm the medical department and get --  
24      take the narcotics that were in there. Those  
25      kind of things.

1 B. Pierce - by Mr. Eddy

2 Q. So you felt that that made sense to  
3 you?

4 A. Yes.

5 Q. You are saying he suggested it, but  
6 it made sense to you, so you adopted it,  
7 essentially?

8 A. It made sense to me, yes.

9 Q. But he, Sergeant Sittig, doesn't  
10 have any direct authority over you; right?

11 A. Sergeant Sittig is female.

12 Q. Okay. She.

13 A. She was the evening shift sergeant  
14 of the guard, for lack of a better term. She  
15 would have been the sergeant in charge of all  
16 the other corrections officers. She handled --

17 Q. But she didn't have direct authority  
18 over you?

19 A. No. No. No direct authority over  
20 me, no.

21 Q. All right. Do you disagree about  
22 the question, "What time did you complete the  
23 medication line on Sunday, 3/10/02?  
24 Approximately 2215"?

25 A. No.

1 B. Pierce - by Mr. Eddy

2 Q. And then the next question, "what  
3 time did you complete medication line on  
4 Saturday and Monday? 2025/2045"?

5 A. Correct.

6 Q. "Why was it so much later on  
7 Sunday?" Answer: "We ran it by the book a  
8 controlled environment." That's essentially  
9 what you said by adopting Sergeant Sittig's one  
10 line at a time approach?

11 A. Not Sergeant Sittig's, Officer  
12 Phillips'.

13 Q. Officer Philips, okay.

14 A. Yes. That would be -- but it's only  
15 a partial answer, again. Like I said, the rest  
16 of that information would have been in  
17 conjunction with the previous answer of Officer  
18 Phillips had given that explanation that there  
19 was policy in place that that's what you are  
20 supposed to do.

21 Q. And that made sense to you?

22 A. Yes.

23 Q. And the next one, "Did you purposely  
24 run the medication line slow to show Sergeant  
25 Sittig?" Answer: "No. Two days in a row,

1 B. Pierce - by Mr. Eddy

2 Sergeant Sittig questioned my procedures on  
3 closing so quickly so I decided to run it by  
4 the book."

5 Do you disagree with that answer?

6 A. I do because it's a  
7 misrepresentation of what is there. It implies  
8 that I had the authority in the medical  
9 department to alter that. In fact, I did not.

10 Q. To alter, what do you mean alter it?

11 A. As in like to change from what we  
12 had been doing before into what had happened  
13 that evening.

14 Q. But you did change it?

15 A. I personally did not, no.

16 Q. Well, a minute ago you said that  
17 based on your discussion with Officer Phillips,  
18 that you adopted his explanation and decided to  
19 do it that way; correct?

20 A. Semantically, yes, you are correct.

21 Q. I'm not trying to trick you.

22 A. That's fine. What I was getting to  
23 is that there was a female RN who was in charge  
24 of the shift that evening, Lilly Eldred, she  
25 was a supervisor. I had discussed that with

1 B. Pierce - by Mr. Eddy

2 her. She agreed that it was a good idea for a  
3 couple of reasons. One was because she doesn't  
4 work evening shift. She's a day shift nurse.  
5 Two, she doesn't do medication line all that  
6 often, so she -- and she was always admitting  
7 to being very nervous around the inmates.

8 so for it to be in a controlled,  
9 quiet environment versus having 50 to 100  
10 inmates in that lobby where the echoes and  
11 sounds and everything would have been a  
12 distraction for her, she gave the permission to  
13 go ahead and do that. As the evening shift  
14 supervisor in charge, she said, "That's fine,  
15 let's do it that way."

16 Q. So you approached her about it and  
17 you got her approval, essentially; is that what  
18 you are saying?

19 A. I had taken to her the suggestion by  
20 Officer Phillips, to her, correct.

21 Q. She gave you the green light or  
22 whatever?

23 A. Yes. Because she was actually in  
24 that medication line running it with me. There  
25 were two windows. I was in one, she was in the

1 B. Pierce - by Mr. Eddy

2 other.

3 Q. On the next page, it says, "On  
4 3/20/02 after you closed medication line three  
5 other inmates arrived late. Did you refuse to  
6 give them their prescribed medication?"

7 Answer: "Yes. The medication line had been  
8 closed."

9 Do you dispute that?

10 A. No.

11 Q. And then the next one, "Did Nurse  
12 Eldred tell you" -- and this is what you were  
13 referring to a second ago that -- no, it's not.  
14 "Did nurse Eldred tell you that this was no  
15 fault of the inmates and they must receive  
16 them?"

17 A. Yes, she did.

18 Q. And you eventually gave them to them  
19 but under protest?

20 A. Yes.

21 Q. Your position again for refusing to  
22 give them is because they were late and the  
23 line was closed?

24 A. Correct.

25 Q. By the book, if they weren't there,

1 B. Pierce - by Mr. Eddy

2 then they weren't there?

3 A. Right.

4 Q. Okay.

5 A. And inside of that, because, again,  
6 I'll give you a little bit extra here, too, is  
7 that --

8 MR. SANDERS: Who asked you  
9 to?

10 THE WITNESS: That's true.  
11 All right. You can look at it. But this  
12 investigation took place as a result of her  
13 retaliating against me for embarrassing her the  
14 previous -- with that med line.

15 Q. Now, that was, what we just read  
16 there -- it says right there on 3/20. So those  
17 are the two incidences?

18 A. Right. Can we take a really quick  
19 break?

20 MR. EDDY: Yes.

21 (Recess was taken.)

22 BY MR. EDDY:

23 Q. Let me ask you this: When you call  
24 one line at a time, was that kind of, for lack  
25 of a better analogy, when you are boarding an



1 B. Pierce - by Mr. Eddy  
2 airplane and the steward's will say, we are now  
3 boarding rows eight through six, and those  
4 people come up, is that the kind of way that  
5 that would occur with these lines?

6 A. Essentially, it would be more --

7 Q. As you said, there wouldn't be any  
8 mixing of different cell blocks and so forth?

9 A. Right. They call them down one  
10 housing unit at a time.

11 Q. One housing unit at a time, okay.

12 A. Yes.

13 Q. On 3/20, these three inmates that  
14 showed up late, Ms. Eldred told you that it  
15 wasn't their fault that they were late, was it  
16 your position that fault didn't matter in that  
17 situation, late is late?

18 A. No.

19 Q. You gave a statement concerning this  
20 incident; didn't you?

21 A. Yes, I did.

22 Q. Do you recall in that statement  
23 saying that you instructed Officer Phillips to  
24 call the housing units one at a time?

25 A. That wasn't my statement.

1 B. Pierce - by Mr. Eddy

2 Q. Do you recall saying that you told  
3 Phillips you wanted to run the medical line "by  
4 the book"?

5 A. No.

6 Q. All right. At the end of the  
7 statement, did you say at no time did you  
8 consider to retaliate against Sergeant Sittig  
9 or the security staff in general?

10 A. When was this? Would that have been  
11 at the hearing that this statement is being  
12 made or in the investigation part?

13 Q. In connection with the  
14 investigation, right.

15 A. I believe that's -- well, my answer  
16 is there on that page, the bottom of the third  
17 page, "No, two days in a row, Sergeant Sittig  
18 questioned my procedures on closing so  
19 quickly."

20 MR. SANDERS: Remember  
21 Michelle here?

22 A. Sorry. "No, two days in a row,  
23 sergeant Sittig questioned my procedures on  
24 closing so quickly, so I decided to run it by  
25 the book."

1 B. Pierce - by Mr. Eddy

2 Who would me be? Who would you  
3 report those types of accusations to?

4 A. There's a whole chain of command  
5 involved there. It could be anybody from my  
6 immediate supervisor up through the Health Care  
7 Administrator, the deputies. So I --

8 Q. Who would be your immediate  
9 supervisor? Ms. Giroux or Pietrzak?

10 A. Evening shift would have been  
11 Ms. Pietrzak.

12 Q. When you say evening shift, ending  
13 at five?

14 A. No. Ending at ten o'clock at night.  
15 I was a two to ten nurse.

16 Q. It says meeting ending a 1700?

17 MR. SANDERS: Pietrzak was  
18 gone by this time, just for the record, she  
19 testified to Tom and I.

20 THE WITNESS: Okay.

21 Q. So who came in after Ms. Pietrzak?

22 MR. SANDERS: Who was your  
23 last supervisor that you had before they fired  
24 you?

25 THE WITNESS: I want to say

1 B. Pierce - by Mr. Eddy  
2 that was -- the director -- well, the nurse  
3 supervisor that oversees all the RNs would have  
4 been Paul Smith at that time. Nancy Giroux  
5 would have been the Health Care Administrator  
6 at that time. I don't remember who the evening  
7 shift supervisor would have been. At that  
8 time, this was all probably at the --

9 Q. You said evening shift again and --

10 A. Right.

11 Q. Again, this indicates that the  
12 meeting ended at five. So are you saying that  
13 maybe the meeting would have occurred before  
14 your evening shift or occurred at the end of  
15 the day shift?

16 A. It could have occurred in the middle  
17 of the evening shift. Traditionally, there are  
18 some people that stay around after their shift  
19 is over, so it could have occurred with  
20 somebody off of the day shift as well. I have  
21 no idea.

22 Q. You don't recall who your supervisor  
23 was at this time?

24 A. No.

25 Q. To whom would you report errors that

1 B. Pierce - by Mr. Eddy  
2 you would have observed and unethical behavior?

3 A. By policy, it would have been the  
4 nurse supervisor. It would have been like Paul  
5 Smith or Nancy Giroux.

6 Q. You are just not sure who that was  
7 at the time? Was it Chris Massung?

8 A. She was gone by then. Chris Massung  
9 was gone before 2002 came in, I would say  
10 around December of 2001.

11 Q. Well, this new supervisor whose name  
12 you can't remember, do you also believe that  
13 they were a part of some grand conspiracy to  
14 discriminate against you and your gender?

15 A. Yes, I do.

16 Q. But you don't know their name?

17 A. The top -- I still believe it was  
18 Sandy Pietrzak was still there when I left,  
19 when I was terminated in May, and that she  
20 didn't leave the department until after that.  
21 I'm not sure.

22 MR. SANDERS: Okay.

23 Q. This would have been --

24 A. While I was still employed.

25 Q. Just about a month before you were

1 B. Pierce - by Mr. Eddy  
2 for identification.)

3 Q. Take a look at Exhibit N.

4 A. Okay.

5 Q. This appears to be the codification  
6 of a fact-finding session with you on April 11,  
7 2002?

8 A. What date? I'm sorry.

9 Q. April 11, 2002.

10 A. Yes.

11 Q. And it says that it took place in  
12 Nancy Giroux's office. Do you recall this  
13 meeting?

14 A. Yes.

15 Q. This session?

16 A. Yes.

17 Q. It says that you were present along  
18 with Nancy Giroux, Sharalee Raun. Was that  
19 your union representative?

20 A. She was brought in as my union  
21 representative, yes.

22 Q. And Robin Weidner, which was the  
23 court reporter, I guess.

24 So this would have been a recorded  
25 session?

1 B. Pierce - by Mr. Eddy

2 A. Actually, no. Because Robin Weidner  
3 was not there to do that. She wrote these  
4 notes off of Nancy Giroux's notes and Sharalee  
5 Raun's notes. They were typed up at a later  
6 date.

7 Q. You don't think it was recorded?

8 A. It wasn't recorded at the time.

9 Q. Now, I don't want to have to go  
10 through every one of these statements. If we  
11 have to, we will.

12 This was the kind of thing I was  
13 referring to earlier, but if you could take a  
14 look at this document, again, like we did with  
15 a previous exhibit, could you tell me, are  
16 there any statements in there that are  
17 characterized as being made by you that you  
18 don't -- they are in quotes, that you don't  
19 think you made?

20 MR. SANDERS: Take it one page  
21 at a time.

22 THE WITNESS: Okay.

23 MR. SANDERS: Are there any  
24 statements by you associated with you on this  
25 first page of this exhibit that are inaccurate?

1 B. Pierce - by Mr. Eddy

2 THE WITNESS: No.

3 BY MR. EDDY:

4 Q. okay. Let's look at the second page  
5 now.

6 A. The statements in that top paragraph  
7 starting with "I borrow from other inmates  
8 medications because this breeds all new  
9 paperwork if we don't have the inmates  
10 medications, it's easier to just borrow," that  
11 is a compilation of many statements. It is not  
12 one continuous statement and was put  
13 together -- it's not a proper statement.

14 Q. You are saying it's misrepresented  
15 as being in quotes?

16 A. Yes.

17 Q. To what do you disagree with in  
18 there? Are you saying it's just not complete?

19 A. It's a compilation of numerous  
20 statements throughout our discourse that we  
21 had.

22 Q. Is the gist of what is said there  
23 represented by what you say is a number of  
24 statements?

25 A. No.



1 B. Pierce - by Mr. Eddy

2 Q. If not, how would it be different?

3 A. The borrowing inmates -- borrowing  
4 from other inmates medications would have been  
5 one statement, and then something -- other  
6 questions were asked, and then part of this,  
7 "because this breeds all new paperwork if we  
8 don't have any -- from the inmates medications,  
9 that was based on a question she asked me about  
10 the procedures in the medication room and what  
11 the night shift does and why certain things  
12 happen in certain ways.

13 Q. Do you agree that's easier to just  
14 borrow?

15 A. Yes.

16 Q. You agree that you borrow from other  
17 inmates, you just don't necessarily agree with  
18 the sentence after that that "it breeds all new  
19 paperwork if we don't have the inmates  
20 medications"?

21 A. Those are partial statements, but  
22 they are --

23 Q. But you have borrowed --

24 MR. SANDERS: But they are  
25 what? You need to complete a sentence for us.

1 B. Pierce - by Mr. Eddy

2 A. Sorry, I was in the middle of a  
3 thought. They are just -- because they are  
4 incomplete sentences, they are not fully  
5 correct. They don't represent everything that  
6 transpired there.

7 Q. But you have borrowed medications  
8 from other inmates?

9 A. As often as the rest of my  
10 counterparts. Probably less, though.

11 Q. I understand that's your position  
12 but --

13 A. Yes.

14 Q. How about the next sentence, "Did  
15 you feel this causes problems?" What about  
16 your answer there?

17 A. That statement is correct. It's  
18 like two or three sentences put together, but  
19 it's --

20 Q. The rest of that paragraph,  
21 anything?

22 A. Yes. That's essentially correct.

23 MR. SANDERS: Take a look at  
24 the big paragraph now. While he's reading  
25 that --